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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,954	12/17/2001	Theodore Rappaport	02560039AA	2954
30743	7590	07/14/2004	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190				BLACKMAN, ANTHONY J
ART UNIT		PAPER NUMBER		
		2676		

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/015,954	RAPPAPORT ET AL.
	Examiner	Art Unit
	ANTHONY J BLACKMAN	2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 42,43 and 85-866 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 42,43,85 and 86 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 4/26/04, Paper no. 10 have been fully considered but they are not persuasive. First, after careful review of the office action from Paper No. 9 that included a restriction requirement for claims 1-86, with three groups separated by claims 1-41, 42-43 and 85-86, and 44-84 (applicant elected Group II-representing claims 42-43 and 85-86), examiner respectfully disagrees with applicant's interpretation of the primary reference, ALEXANDER, US Patent No. 6,320,577 as not anticipating claims 42-43 and 85-86. Examiner maintains use of ALEXANDER anticipating features and limitations as presently claimed. Recited claim language of applicant discloses a distributed group of objects or networks in the preamble. Because applicant chose the following conditional language, "...group of objects or networks...", and further chose not to narrow the preamble by citing "network" in the body of the claim language, ALEXANDER may anticipate either objects or networks. Examiner notes for the record that on page 6 of the office action of Paper No. 9 in section 10, *the objects*, as claimed bear similar results to a group of selectable palate of icons disclosed by ALEXANDER. Further, applicant states that the "...present invention represents network infrastructure or other objects in a spatially distributed environment, such as rooms or wall locations within in a communications network (REMARKS, page 5, lines 19-25). Applicant argues subject matter that is not claimed. In response to applicant's argument that "ALEXANDER deals with the display and annotation of measurement waveforms

on a digital oscilloscope or similar time waveform measurement device (REMARKS, page 5, lines 6-7)" and further, on the same page, lines 19-20, where applicant states, "The present invention has nothing to do with the display of time waveforms, and instead deals with the display of measurement parameters or metrics over space", examiner cites the following applicable case law –

a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See In re Casey, 152 USPQ 235 (CCPA 1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963).

Applicant further argues on page 6 at the beginning of the second paragraph, that "ALEXANDER never contemplates contextual information pertaining to the location of objects or measurements, such as room locations or measurement metrics/parameters made at different locations within a building or army base".

Examiner fully agrees that ALEXANDER does not disclose room locations or measurement metrics/parameters made at different locations within a building or army base. However, once more, applicant argues subject matter that is not disclosed in recited claim language. Further still, examiner emphasizes careful examination of column 31, including lines 43-64 expanding the restrictive field of use beyond a signal measurement system. Therefore, because examiner

respectfully disagrees with applicant's interpretation of ALEXANDER corresponding to the non-amended claim language, examiner maintains use of ALEXANDER anticipating claims 42-43 and 85-86.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 42-43 AND 85-86 are rejected under 35 U.S.C. 102(e) as being anticipated by ALEXANDER, US Patent No. 6,320,577.

4. As per claim 42, examiner interprets ALEXANDER to meet limitations of the following claimed features, "... a method of visualizing a spatially distributed group of objects or networks (column 5, lines 1-16 and column 9, line 64-column 10, line 15, the underlined group of objects bear similar results as claimed to group of selectable palette of icons), comprising the steps of:

Collecting measurement information and descriptive for said distributed group of objects or networks by obtaining measurement information selected from the group consisting of measured performance metrics and inputted quality measures (at least measured performance metrics are cited below - column 1, lines 20-54, column 8, lines 7-29, column 11 lines 17-32, column 14, lines 39-56, column 26, line 59-column 27 line 7 and column 31, lines 43-64),

Obtaining descriptive information from a predefined set of selections (column 4, lines 28-43 and column 9, line 64-column 10, line 15) wherein said selections are selected from the group consisting of text strings and icons (generally icons are selected and text is considered as an alternate means - column 5, lines 1-16, column 8, lines 30-42, column 9, line 64-column 10, line 15, column 24, lines 6 11 and column 30, lines 52-62), and Associating and storing said measurement information and said descriptive information column 1, lines 20-54, column 8, lines 7-29, column 11, lines 17-32, column 14, lines 39-56, column 26, line 59 column 27 line 7 and column 31, lines 43-64);

Obtaining an environmental database/(local and distributed databases) model (column 31, lines 43-64, the database is associated with the storing and file and collection means of the measuring system); and

Displaying at least one of said measurement information and said descriptive information collected in said collecting step (at least measured performance metrics are cited below - column 1, lines 20-54, column 8, lines 7-29, column 11, lines 17-32, column 14, lines 39-56, column 26, line 59-column 27 line 7 and column 31, lines 43-64) together with at least a portion of said environmental database model (column 1, lines 20-35, column 3, lines 24-34, 51-64, 66-column 4, line 10 and column 5, lines 1-16) .

5. As per claim 43, examiner interprets ALEXANDER to meet limitations of claim 42, including the following claimed limitation, "...wherein said measurement information and said descriptive information pertains to a specific location in said environmental database model (column 1, lines 20-35, column 3, lines 24-34, 51-64, 66-column 4, line 10 and column 5, lines 1-16) and said step of displaying includes the step of displaying said measurement information and said descriptive information at said specific location in said environmental database model (column 1, lines 20-35, column 3, lines 24-34, 51-64, 66-column 4, line 10 and column 5, lines 1-16).

6. As per claim 85, examiner interprets ALEXANDER to disclose a system for visualizing a spatially distributed group of objects or networks (column 5, lines 1-16 and column 9, line 64-column 10, line 15, the underlined group of objects bear similar results as claimed to group of selectable palette of icons), comprising:
at least one computer (column 10, lines 16-41);

an input for inputting measurement information (figure 1, element 130) selected from the group consisting of measured performance metrics and quality measures into said at least one computer (at least measured performance metrics are cited below - column 1, lines 20-54, column 8, lines 7-29, column 11, lines 17-32, column 14, lines 39-56, column 26, line 59-column 27 line 7 and column 31, lines 43-64);

at least one of a computer program operating on said at least one computer or at least one measurement device operating with said at least one computer (the at least underlined claimed feature is disclosed column 10, lines 16-41)

which associates said at least one performance metric with descriptive information column 1, lines 20-54, column 8, lines 7-29, column 11, lines 17-32, column 14, lines 39-56, column 26, line 59-column 27 line 7 and column 31, lines 43-64) selected from the group consisting of text strings and icons (generally icons are selected and text is considered as an alternate means - column 5, lines 1-16, column 8, lines 30-42, column 9, line 64-column 10, line 15, column 24, lines 6-11 and column 30, lines 52-62), and wherein said text strings and icons are selected from a redefined set column 5, lines 1-16, column 8, lines 30-42, column 9, line 64-column 10, line 15, column 24, lines 6-11 and column 30, lines 52-62); an environmental database/(local and distributed databases) model operating in conjunction with said at least one computer (column 31, lines 43-64, the database is associated with the storing and file and collection means of the measuring system); and a display for displaying at least one of a measurement information and said descriptive information with at least a portion of said

environmental database model (column 1, lines 20-35, column 3, lines 24-34, 51-64, 66-column 4, line 10 and column 5, lines 1-16).

7. As per claim 86, examiner interprets ALEXANDER to meet limitations of claim 42. Please refer to claim 42 because both claims recite the same recited claim language and render the same cites from ALEXANDER.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached Monday-Friday on an eight-hour FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTHONY J BLACKMAN
Examiner
Art Unit 2676



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Primary Examiner